



UTILITY CONTRACTORS ASSOCIATION OF CONNECTICUT

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House Bill 5118, An Act Concerning the Underground Damage Prevention Program
Energy and Technology Committee
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The Utility Contractors Association of Connecticut represents contractors, suppliers and vendors in the utility and site work construction industry in Connecticut. UCAC contractor members perform work to improve and enhance the utility infrastructure in the state. Additionally, UCAC members take steps necessary to protect the public safety by avoiding damage to underground facilities and maintaining a safe construction site.

UCAC submits this testimony as a comment on House Bill 5118, An Act Concerning the Underground Damage Prevention Program. The bill makes a number of changes to the CBYD program. While UCAC does not object to most of the proposed amendments, we would like to point out a concern with an amendment to the definition of a term that would create uncertainty and may lead to unintended consequences.

Section 1 of the bill revises the definitions of various terms, including "damage". The term "damage" is redefined to include substantial weakening of a utility facility such that its continued integrity "is or is *likely to be* imperiled". The phrase "likely to be imperiled" is unclear and subject to interpretation. It would add uncertainty to the process and make it more difficult for contractors and excavators operating in the field. An ambiguous phrase such as this may make it easier for enforcement personnel to allege a violation against a contractor or excavator for normal work operations. It may provide less flexibility for excavators, introduce more uncertainty and create potential unintended consequences. There should be an objective standard that all contractors can know, understand and adhere to, as opposed to a standard that allows for subjective interpretation. The phrase should be clarified or eliminated before the committee approves the bill.

For additional information or any questions concerning House Bill 5144, please contact Matthew Hallisey, Executive Director of UCAC, at 860-978-7346.